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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,300	02/18/2004	Peter Satitpunwaycha	AMAT/8403/MASK/MASK-ETCH	4286

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EXAMINER

DHINGRA, RAKESH KUMAR

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10782,300	Applicant(s) SATITPUNWAYCHA ET AL.	
	Examiner Rakesh K. Dhingra	Art Unit 1763	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


PARVIZ HASSANZADEH
SUPERVISORY PATENT EXAMINER


Rakesh Dhingra

Comments on applicant's remarks

Request to withdraw finality: Applicant has argued that the new limitation in amended claim 1 that is, "at least a portion of substrate support base outside of the intermediate substrate support ridge fabricated from a dielectric material having a lower dielectric constant than a remaining portion of the substrate support base" was inherently present in claims 2-8, 11, 16 and 20 and is more limiting and within the scope of the original claims.

Examiner responds that claim 2 recites "wherein the portion of the substrate

support base within the substrate support ridge is fabricated from a metallic material" and normally when a dielectric material (as in amended claim 1) is referred, it does not imply a metal. Thus claim 2 limitation was not considered as inherent while examining the amended claim 1, and accordingly new reference by Ke was brought in which teaches inter alia, the dielectric constant of inner shield 38 should be lower than the dielectric constant of the electrostatic chuck (Ke et al – column 12, lines 10-25). Thus the previous office action with final rejection is considered proper and is maintained.

Claim rejections – 35 USC 103 (a)

Claims 2, 3, 5, 6 and 8 – Applicant argues that Tanaka et al in view of Satoh et al and Ke et al do not teach or suggest a substrate support base, wherein at least a portion of the substrate support base outside of the intermediate substrate support ridge is fabricated from a dielectric material as recited from claim 2.

Examiner responds that in view of deletion of claim 2 limitation "at least a portion of substrate support base outside of the intermediate substrate support ridge fabricated from a dielectric material having a lower dielectric constant than a remaining portion of the substrate support base" in the now amended claim 2, Ke et al reference would not be required, since this reference was brought in only for the now deleted claim limitation. Further, as per office action under rejection of claim 1, Tanaka et al teach a body (comprising of conductive platen [body] 48, outer ring 54 and top ring 52), the conductive platen (part of body) 48 being configured to receive an RF power; and

a substrate support base (comprising of top raised portion in the conductive platen and the top ring 52) along an upper surface of the body, the substrate support base having an outer edge (outer perimeter of top ring 52), and an intermediate substrate support; and wherein the top ring (at least a portion of the substrate support base outside of the intermediate substrate support portion) 52 is fabricated from quartz (dielectric material) [Column 5, lines 35-60 and Column 4, lines 20-55]. Tanaka et al also teach that conductive platen 48 (includes substrate support portion) is made of metal

(aluminum/titanium) [Column 2, lines 65-67]. Thus Tanaka et al when combined with Satoh et al reads on claim limitation. Accordingly rejection of these claims as being unpatentable over Tanaka et al in view of Satoh et al stands. Thus rejection of claims 2, 3, 6 and 8 under 35 USC 103 (a) is maintained. Further, since as per latest amendment, claim 5 now depends upon claim 4 (instead of old claim 3), the same would stand rejected along with claim 4 as explained below.

Claims 4, 5, 7, 11, 16 and 20 – Applicant argues that Tanaka in view of Satoh and Ke, and further in view of Martin do not teach, show, or suggest a substrate (reticle) support base, wherein at least a portion of the substrate (reticle) support base outside of the intermediate substrate (reticle) support ridge is fabricated from a dielectric material as recited from claims 2, 11, and 16.

Examiner responds that as explained above, in view of deletion of claim 2 limitation "at least a portion of substrate support base outside of the intermediate substrate support ridge fabricated from a dielectric material having a lower dielectric constant than a remaining portion of the substrate support base" in the amended claims 2, 11 and 16, Ke et al reference would not be required, and rejection of these claims as being unpatentable over Tanaka et al in view of Satoh et al and Martin et al stands as also explained above under claim 2. Thus rejection of claims 4, 5, 7, 11, 16 and 20 under 35 USC 103 (a) is maintained.